

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

JESSICA JONES, *et al.*

Plaintiffs,

v.

VARSITY BRANDS, LLC, *et al.*,

Defendants.

**Case No. 2:20-cv-02892-SHL-tmp**

**JOINT MOTION ADDRESSING PLAINTIFFS’  
MOTION TO UNSEAL COURT RECORDS**

Plaintiffs and Defendants (collectively, the “Parties”) hereby submit this Joint Motion Addressing Plaintiffs’ Motion to Unseal Court Records (ECF No. 529) as follows:

1. On November 21, 2023, Plaintiffs filed a Motion to Unseal Court Records (the “Motion”) requesting that the Court order Defendants to show cause why the briefing and exhibits filed in support of and opposition to Plaintiffs’ motion for class certification, Defendants’ motion for summary judgment, and the Parties’ *Daubert* motions should not be unsealed. *See* ECF No. 529.
2. The Motion implicates briefs, statements of fact, and approximately 679 exhibits that the Parties have filed under seal pursuant to Section IX of the Protective Order entered in this case, ECF No. 62 at PageID 371–372, as well as Western District of Tennessee ECF Policies and Procedures 8.1 and 13.4.3.
3. The Parties met and conferred several times before the Motion was filed, but at that time the Parties could not come to any meaningful agreement regarding unsealing the court records. After the Motion was filed, the parties met and conferred again and now have agreed on

a process and timeline for addressing Plaintiffs' request to unseal the court records. Therefore, the parties hereby agree and stipulate as follows:

4. The Motion (ECF No. 529) is hereby withdrawn without prejudice.

5. In an attempt to reach agreement on as many documents as possible without the need for Court resolution, the Parties have agreed to a protocol to address the documents currently under seal.

6. Defendants will analyze and evaluate which portions of the briefing, statement of facts, and exhibits filed in support and opposition to Plaintiffs' Motion for Class Certification, Defendants' Motion for Summary Judgment, and the Parties' *Daubert* Motions ("the Documents at Issue") that Defendants seek to maintain under seal, in whole or in part. Defendants will inform Plaintiffs on a rolling basis what materials they agree to unseal, and what materials they will seek to keep sealed.

7. The Documents at Issue for purposes of the Parties' agreed protocol include only documents that are actually cited in the Parties' briefs and statements of fact in support of Plaintiffs' Motion for Class Certification, Defendants' Motion for Summary Judgment, and the Parties' *Daubert* Motions. Moreover, the Documents at Issue include only those portions of filed deposition transcripts that the Parties actually cited in the briefing or statements of fact. Plaintiffs will identify for Defendants the specific deposition sections cited in Plaintiffs' motions for Defendants to review.

8. By January 12, 2023, Defendants will conclude their review and provide to Plaintiffs a list of all the portions of the Documents at Issue that they intend to seek to maintain under seal, along with an explanation of why it should be kept under seal and the legal authority for sealing.

9. By January 17, 2023, the parties will have a final meet and confer to discuss any outstanding issues so that any disputes over what may be properly sealed can be brought to the Court for resolution.

10. For any Document at Issue designated Confidential or Highly Confidential by a third party, Plaintiffs will solicit such third party's position on unsealing and will keep Defendants informed of such communications and positions.

11. Plaintiffs and Defendants request that the Court order that the Motion (ECF No. 529) is withdrawn without prejudice for renewal after the above process has occurred.

Dated: December 12, 2023

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